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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,332	11/14/2001	Luke E. Girard	42390.P12365X	6195

7590

10/18/2005

John P. Ward
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

WU, XIAO MIN

ART UNIT PAPER NUMBER

2674

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,332

Applicant(s)

GIRARD, LUKE E.

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8,9,11-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8,9,11-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8-9, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US Patent No. 5,815,126) in view of Tamura et al. (Pub. No. US 2002/0055215) and Estevez et al. (Pub. No. US 2003/0017846).

As to claims 1, 8, 12, Fan discloses a headset (see Figs. 34A-C) comprising: a receiver (720, Fig. 35) to receive a display command (770, Fig. 35) through a wireless link (col. 16, lines 25-29 and col. 17, 4-15); and a processor (712, Fig. 35) coupled to render an image according to the display command. Fan discloses a computer-readable medium (CPU 712, Fig. 35) having stored thereon a set of instructions to translate instructions, the set of instructions, which when executed by a processor (712), cause the processor to perform a method comprising: a headset (see Figs. 34A-C) receiver (720, Fig. 35) receiving a display command (770, Fig. 35) through a

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wireless link (col. 16, lines 25-29 and col. 17, 4-15); and a processor (712, Fig. 35) for processing the display command and displaying an image according to the display command.

It is noted that Fan does not specifically disclose the receiver receiving a compressed bitmap file for a video frame and the processor to decompress the bitmap file for the video frame. Tamura is cited to teach a wireless display device (16) which can receive a display command through a wireless Bluetooth link (see pp [0139]) including receiving a compressed video data (21) and decompressed (30) the compressed video data for the display (see Figs. 2 and 3; and pp [0109-0116], pp [0138-0139] and [0146]).

It would have been obvious to one of ordinary skill in the art to have modified Fan with the features of receiving compressed video data and decompressed the video data as taught by Tamura so that the user can receive and display MPEG standard.

Furthermore, it is noted that both Fan and Tamura does not specifically disclose that the video data is a bitmap file. Estevez is cited to teach a wireless display device similar to Fan and Tamura. Estevez teaches that the display receives the compressed bitmap data and decompresses the bit-map data (page 1, pp0020). It would have been obvious to one of ordinary skill in the art to have modified Fan and Tamura with the transmission of the bit-map data as taught by Estevez so as to compressing, decompressing and displaying the video image in real-time (page 1, pp0005, 0006).

As to claim 2, Fan discloses the headset includes a monocular display (1102', Fig. 34A) to display the image.

As to claim 3, Fan discloses the headset receives the display command from a server to change an image displayed on the monocular display. For example, as shown in Fig. 37, the

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commander in the fire truck can send the building map information to the firefighter and display on the monocular display (see col. 37, line 36 to col. 18, line 10).

As to claim 6, 11, and 15, Tamura discloses receiving the compressed bitmap file in accordance with Motion Pictures Experts Group (MPEG) protocol (see pp [0029]).

As to claim 9 and 13, Fan discloses including a headset mounted monocular display (1102', Fig. 34A) displaying the image.

Response to Arguments

4. Applicant's arguments filed 9/29/2005 have been fully considered but they are not persuasive. Applicant argues there is inadequate motivation to combine Estevez with Tamura and Fan because the references make no suggestion that the compressed video data to be received and decompressed comes in a bitmap format. These arguments are not persuasive because Estevez clearly discloses that the compressed video to be received and decompressed comes in a bitmap format (page 1, pp 0020) and Estevez further discloses that the device could be any portable device. Thus, it would have been obvious to have applied the compressed and decompressed bitmap format in Fan as modified because Fan also discloses that the headset is portable display device similar to Estevez. It is believed that the broadly claimed structures are still met by the combination of the prior art references.

Conclusion

5. This is a RCE of applicant's earlier Application No. 10/002,332. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the

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grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

October 14, 2005



XIAO M. WU
Primary Examiner
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